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Docket No. 37
Patent

#5/Rigman
7/12/03
Harnet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of)
John Y. Chen)
Serial No.: 09/721,213)
Filed: 11/21/01)
For: TEAR RESISTANT TEAR RESISTANT,)
CRYSTALLINE MIDBLOCK COPOLYMER)
GELS AND ARTICLES)

Group Art Unit 713

Examiner:

ROBERT D. HARLAN

RESPONSE TO OFFICE ACTION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Letter of March 31, 2003, Applicant respectfully requests that the above identified application be reexamined and reconsidered in view of the following remarks and submittal.

REMARKS

The application and the material cited to date have been carefully reviewed along with Examiner's remarks in the Office action. After this review, Applicant is convinced

CERTIFICATION UNDER 37 CFR 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being: (1) deposited with the United States US Postal Service on the date indicated below with sufficient postage as Express Mail #EK530384943US in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: June 30, 2003

John Y. Chen

EK530384943US

that his claimed composition and articles are novel and patentable. Applicant strongly believes that his application embodies a significant discovery, that the claims define the invention in a clear and definite manner, and that all of the amended claims are allowable.

Claims 1-22 are pending in the case. Claims 1-4 and 7 are withdrawn from consideration. Claims 5, 6 and 8-22 are rejected under 35 USC §102 (b) in view of '193 Anderson et al.

Rejection of claims 5, 6 and 8-22 under §102(b) should be withdrawn in view of the fact that although Anderson teaches an adhesive of SEBS Kraton 1651 made with resin and oil, Applicant was the first to teach and describes a SEBS Kraton 1651 gel made from oil and minor amounts of resin much earlier than Anderson. In view of the fact that Applicant's own work have effective filing dates prior to October 12, 1993 and August 24, 1992 (see USSN 09/412,887 continuation history, that Applicant's own work continues to be disclosed in the present case) the rejection under 35 USC §102(b) should be withdrawn.

Moreover, the rejection of claims 5, 6 and 8-22 over Anderson should be withdrawn for another important reason. Applicant's claims 5, 6 and 8-22 are directed to composites and not to an adhesive as described and claimed in patent '193. Applicant claims 5, 6 and 8-22 do not claim the use of SEBS polymer alone, do not claim an adhesive, but a composite in combination with or without SEBS polymers. Applicant's gel composites as claimed utilize gels having greater tear and fatigue resistance than gels made from SEBS alone.

A copy of Applicant grand parent patent US 6,552,109 B1 is attached. Should Examiner have any questions regarding this response, Applicant can be reached at (650) 827-1388.

Respectfully submitted,


John Y. Chen

Agent for Applicant

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6/30/03